

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

<p>RO CHER ENTERPRISES, INC., Plaintiff, v. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al., Defendants.</p>	<p>CASE NO. 1:23-CV-16056 JUDGE STEVEN C. SEEGER MAGISTRATE JUDGE HEATHER K. MCSHAIN</p>
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SECOND JOINT STATUS REPORT

This case involves a challenge by Plaintiff Ro Cher Enterprises, Inc. to Defendant Environmental Protection Agency's administrative enforcement action, *In the Matter of Ro Cher Enterprises*, EPA Docket No. TSCA-05-2023-004 (*Ro Cher Matter*). Ro Cher has moved the Court for a preliminary injunction to enjoin the *Ro Cher Matter* so that Ro Cher may present its constitutional challenges here. EPA opposes the motion, and briefing is complete. *See* ECF Nos. 13–14, 16, & 17. The parties submitted a Joint Initial Status Report. ECF No. 18.

This Court issued a Minute Entry on February 29, 2024 (ECF No. 19) advising the parties that Ro Cher's motion for preliminary injunction is under advisement; the Court will keep a watchful eye out for the decision by the Supreme Court in *SEC v. Jarkey* (No. 22-859); and the Court will defer dispositive motions until the Supreme Court issues its decision. The Court also instructed the parties “to keep the Court apprised of any important developments in the administrative proceeding” and directed “the parties to engage in good faith settlement discussions.”

Since entry of the Minute Order, EPA sought an extension (and Ro Cher agreed) in the administrative proceeding to continue settlement discussions and for EPA to review financial documents that Ro Cher provided to EPA to support its claimed inability to pay the penalty. On March 8, 2024, the Administrative Law Judge (ALJ) granted the requested extension. Accordingly, the parties hereby inform the Court that the ALJ in the *Ro Cher Matter* has extended deadlines as follows:

- Settlement Conference: **June 5, 2024**
- Status Report: **June 12, 2024**
- Preliminary Statements: **June 12, 2024**
- Complainant's Initial Prehearing Exchange or CAFO: **July 2, 2024**
- Respondent's Prehearing Exchange: **July 22, 2024**
- Complainant's Rebuttal Prehearing Exchange: **August 15, 2024**

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DATED: March 15, 2024.

Respectfully submitted,

s/ Phillip R. Dupré

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